

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALEXANDER PLADOTT
Plaintiff,

v.

LARRY EWERS, et al.,
Defendants.

CIVIL ACTION
NO. 05- 10356-RWZ

**AFFIDAVIT OF KENNETH V. NOURSE IN SUPPORT OF
OPPOSITION TO MOTION TO PRECLUDE ENTRY OF JUDGMENT
IN C.A. NO. 04-10024-RWZ**

I, Kenneth V. Nourse, on oath depose and state as follows:

1. I represent the Defendant Larry Ewers ("Ewers") in the above-captioned action.
2. On September 27, 2005, I spoke to Mark Parfitt ("Parfitt"), owner of Specialist PI Ltd., a private investigation company hired by Ewers to serve Christopher Patrick Heron ("Heron") with service in connection with Ewers v. Heron et al., C.A. No. 04-10024-RWZ ("Ewers Litigation"), concerning his affidavit submitted in connection with Plaintiff Alexander Pladott's ("Pladott") Motion to Preclude Entry of Judgment in C.A. No. 04-10024-RWZ.
3. I asked Parfitt whether he retained copies of the documents he received from Ewers and served on Heron in connection with the Ewers Litigation. He answered that he did not retain copies of those documents.
4. I asked Parfitt how he was able to state with certainty in ¶ 4 of his affidavit that Ewers sent him a package that contained a document related to C.A. 02-10532-RWZ, if he did not retain a copy of the documents received from Ewers. I also asked Parfitt how he was able to state with certainty in ¶ 7 of his affidavit that his employee did not serve any documents from

C.A. No. 04-10024-RWZ. He replied that the Certificate of Service completed by his employee listed claim number 02-10532-RWZ.

5. I then asked Parfitt how he knew that the claim number on the Certificate of Service was correct if he did not retain a copy of the documents received from Ewers. He said "I see what you mean." Parfitt then requested that I submit any further questions in writing to avoid confusion.

6. On October 4, 2005, I sent Parfitt a list of questions related to his affidavit via facsimile.

7. On October 6, 2005, not having received a response from Parfitt, I called him, learned that he had not read my October 4, 2005 facsimile, and resent my questions via facsimile and email.

8. Later that day, Parfitt responded to some of my questions via email. A true copy of Parfitt's email response to my questions is attached as Exh. A.

9. In his email response, Parfitt confirmed that he did not retain a copy of the documents he received from Ewers. See Exh. A, p. 1.

10. Parfitt also responded that he knew that the documents served on Heron were for C.A. No. 02-10532 because "[i]t was written on the cover page." See Exh. A, p. 1.

11. Earlier, on reviewing Parfitt's email to Ewers dated April 19, 2004, I learned that Parfitt informed Ewers that the Central London County Court "retained a copy of the papers that were served and will have a record of issuing the certificate of service." A true copy of Parfitt's April 19, 2004 email is attached as Exh. B.

12. I attempted to contact the CLCC on at least four (4) occasions by telephone and by facsimile to obtain a copy of those documents, but was unsuccessful.

13. On September 14, 2005, I employed the International Department of CT Corporation System, a legal services company, to contact the CLCC to obtain a copy of the documents served on Heron. The CLCC informed CT Corporation System that it was unable to locate those documents.

14. On September 15, 2005, I employed Wragge & Co., a U.K. solicitors office, to obtain a copy of the documents served on Heron from the CLCC. Wragge & Co. also was unsuccessful.

Signed under the penalties of perjury this 7 day of October, 2005.


Kenneth V. Nourse

A



specialistpi@fsmail.net

10/06/2005 12:24 PM
Please respond to
specialistpi

To: KNourse@edwardsangell.com
cc:
Subject: RE: email of questions concerning affidavit

Mr Nourse,

Here are my answers to your questions as emailed and faxed.

1. Yes
2. There was only one bundle in the package.
3. It was written on the cover page.
4. The cover page was for C.A. No. 02-10532 RWZ.

Mark Parfitt
Specialist PI Ltd

Message Received: Oct 06 2005, 02:47 PM
From: KNourse@edwardsangell.com
To: enquiries@specialistpi.com
Cc: KNourse@edwardsangell.com
Subject: email of questions concerning affidavit

As I mentioned during our phone call a few minutes ago, I am refaxing my questions concerning your affidavit in the Pladott v. Ewers case and also am forwarding a copy of my fax letter via email.

BY FAX: 44 1869 343 912

October 4, 2005

Mark Parfitt
Specialist PI Limited

RE: Alexander Pladott v. Larry Ewers et al.
C.A. No. 05-10356-RWZ

Mr. Parfitt:

As requested, I am faxing you a few follow up questions concerning your affidavit submitted in connection with Pladott v. Ewers, Civil Action No. 05-10356-RWZ, U.S. District Court, District of Massachusetts. For your reference, I have included a copy of your affidavit following these questions.

1. During our telephone conversation on September 27, 2005, you mentioned that you did not retain a copy of the documents you received from Larry Ewers on April 2, 2004. Is my understanding correct?
2. In paragraph 4 of your affidavit, you state that you received from Mr. Ewers "a copy of a document related to United States District Court, District of Massachusetts, C.A. No. 02-10532-RWZ. There was no summons in the package, nor were there any documents from any other lawsuit in the package." If you did not retain a copy of the documents sent by Mr. Ewers, how do you know that the documents received were related to C.A. No. 02-10532-RWZ? How do you know that there was no summons in the package? How do you know that there were no documents from any other lawsuit in the package?
3. In paragraph 6 of your affidavit, you state that you asked your employee "to serve the document from C.A. No. 02-10532-RWZ on Mr. Heron." How do you know that the document you asked your employee to serve was related to C.A. No. 02-10532-RWZ?
4. In paragraph 7 of your affidavit, you state that your employee "did not serve any documents from C.A. No. 04-10024-RWZ on Mr. Heron because Mr. Ewers did not provide me with any such documents." How do you know that your employee did not serve any documents from C.A. No. 04-10024-RWZ on Mr. Heron?

Thank you in advance for your assistance. Please fax your responses as soon as possible, but no later than Thursday, to my attention at (617) 439-4170.

Sincerely,

Kenneth V. Nourse

Enclosure

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B

lewers@stx.rr.com

From: <specialistpi@fsmail.net>
To: <lewers@stx.rr.com>
Sent: Monday, April 19, 2004 12:18 PM
Subject: Re: Wire

Dear Mr. Ewers,

I spoke earlier with Alex Pladott and wished to clarify a couple of points re. the service of papers on Christopher Patrick Heron. The Certificate of Service was stamped by the clerk at the Central London County Court, 13-14 Park Crescent, London, W1. They retained a copy of the papers that were served and will have a record of issuing the certificate of service. Their telephone number is +44 2079175000. The certificate of compliance with the Hague Convention was sworn in front of a solicitor, John Leonard, from Finers Stephens Innocent Solicitors authorised Commissioners of Oaths. They have the authority to witness sworn statements. They are based at 179 Great Portland Street, London, W1N 6LS, telephone +44 2073234000. I trust this clarifies matters.

Sincerely,

Mark Parfitt

Specialist Private Investigators

Message date : Apr 19 2004, 05:46 PM
From : lewers@stx.rr.com
To : specialistpi@fsmail.net
Copy to : Ss4re@aol.com
Subject : Wire
Mr. Parfitt:

Wire transfer was sent out today 4-19-04.

Thanking you for your service.

Sincerely,

Larry Ewers

Join the UK's number one for the internet
[Click here](#)

4/19/2004